

Claim 48 (new): The apparatus of claim 47 further comprising an adhesive applicator for applying adhesive to the first web prior to providing the first web to the nip.

Claim 49 (new): The apparatus of claim 48 wherein the adhesive applicator applies the adhesive by spraying the adhesive onto the first web.

Claim 50 (new): The apparatus of claim 47 further comprising a roller mechanism for providing a second web to said nip to be laminated with the continuous filaments and the first web so as to form a continuous filament laminate.

Claim 51 (new): The apparatus of claim 48 further comprising an adhesive applicator for applying adhesive to the second web prior to providing the second web to the nip.

Claim 52 (new): The apparatus of claim 51 wherein the adhesive applicator for the second web applies the adhesive by spraying the adhesive onto the second web.

REMARKS

Please reconsider the rejections of the claims in light of the following arguments and allow the pending claims.

The Applicants have now canceled all of the previously pending claims except claim 30 and have presented new claims that set forth the novel aspects of the present invention. Claim 30 continues to claim a vertical laminating apparatus wherein a series of chilled rollers are housed in a sealed tower structure providing condition air to the rollers. New claims 31 – 41 are directed to an embodiment of the present invention comprising a vertical arrangement of two chilled rollers where the first chilled roller is located to allow for canted flow of continuous filaments from the extruder and so that the quenched filaments being conveyed from the second of the chilled rollers travel directly

to the nip for lamination with the web(s). Claims 47 – 52 are directed to the apparatus for performing that process. Finally, claims 42 – 46 are directed to an embodiment of the present inventive method that utilizes only one chilled roller in a vertical arrangement with the remainder of the apparatus as set forth in the embodiment described at page 5, line 30 – page 6, line 3 and page 14, lines 16 – 18. Accordingly, no new matter has been set forth by presentation of the present claims.

I. Rejection under 35 U.S.C. § 112, first paragraph and second paragraphs

In the Office Action dated October 3, 2003, the Examiner rejected claims 1-22 and 25-29 under 35 U.S.C. § 112, first paragraph and second paragraph, as failing to comply with the written description requirement and for being indefinite. The Examiner stated that the original disclosure did not elaborate as to what was meant to have been included and/or excluded as to materially affect the method or apparatus by the language “consisting essentially of”. Therefore, the Examiner felt that the amendment of “consisting essentially of” created a new matter problem and did not concisely define the invention.

Applicants do not believe that their use of the transitional phrase “consisting essentially of” created a new matter problem or failed to define the invention. However, those rejections have now been rendered moot by the present claims where the aspect of claiming two chilled rollers in certain claims is claimed by defining the relationship between apparatus parts and method steps and not by using the term “consisting essentially of”.

The Examiner acknowledged in section 2 of paper no. 17, that “the original disclosure *did disclose* that the operation of chilling the extruded filaments could be

practiced with only two chill rollers” (*emphasis added*). In addition, the specification at Figure 17 and page 13, lines 14-17 clearly defines that “in another embodiment, only two chilled rollers may be needed before the continuous filaments are supplied to the laminator portion of the system which bonds the spunbond facing(s) to the continuous filaments in the roller nip”. Therefore, the present limitations to the use of two chilled rollers in certain claims do not present new matter and the Examiner is respectfully requested to withdraw the section 112 rejections.

II. Constructive election regarding new claim 30.

Applicants hereby acknowledge with traverse the Examiner’s constructive election regarding previously presented claim 30. The invention of claim 30 is not separately classifiable from the originally-filed claim 22 (now new claim 31). It does not have a separate status in the art and it would not require a different field of search. The Examiner should not find it an undue burden to consider and search the apparatus of claim 30 at the same time as the apparatus of the originally-filed claims and the newly presented claims 31 - 52 (now new claim 31).

Therefore, the Examiner is respectfully requested to reconsider the withdrawal from consideration of claim 30 and allow that claim as presented.

III. Rejection under 35 U.S.C. § 103(a)

The Examiner had also rejected claims 1-4, 6-22 and 25-29 under 35 U.S.C. § 103(a) as obvious over Canadian Patent No. 2248575 (“Can. ‘575”) in view of PCT WO 92/16366 (“PCT ‘366”) and any one of U.S. Patent No. 4,816,094 to Pomplun, et al. (“Pomplun”), U.S. Patent No. 4,719,261 to Bunnelle, *et al.* (“Bunnelle”), or U.S. Patent No. 4,166,089 to De Geest, et al. (“De Geest”).

Applicants have now canceled those claims and presented new claims 31 – 52 to essentially set forth the invention that had been previously claimed in claims 1 – 29. The new claims 31 – 41 and 47 – 52 clarify that the series of vertically-arranged rollers consist of two chilled rollers with the second chilled roller being positioned vertically below the first chilled roller and the second chilled roller being positioned to supply the quenched continuous filaments directly to the nip. This limitation leaves no doubt that, in these claims, the apparatus utilized consists only of two chilled rollers, the first one being arranged so that the continuous filaments flow from the extruder in a canted arrangement, and the second one arranged so that the quenched filaments flow directly to the nip for lamination without passing over additional chilled rollers.

None of the references alone or in combination, teach or suggest the use of a canted extruder and only two vertically-arranged chilled rollers, where the continuous filaments flow directly from the second of the chilled rollers directly to the laminating nip. In the Pomplun, Bunnelle, and De Geest patents cited by the Examiner, each of the two rollers are in horizontal succession and none of the three patents teach or suggest the canted angle of the extruder.

While a vertical flow arrangement is disclosed in the Canadian '575 patent, there is no teaching of solely the use of two chilled rolls with direct flow between the second chilled roll and the nip and no teaching of the canted arrangement. While PCT '366 may disclose a canted extruder/roller arrangement and the use of two chilled rollers, the rollers are not vertically-arranged so that the extruded continuous filaments flow from the first chilled roller to the second chilled roller. In all the teachings of the prior art,

there is no teaching to combine each of these references to result in the claimed unique invention.

The present application discloses at multiple instances that the *number of rollers are important* for the desired operability of the present invention. For example, the application discloses on page 13, lines 9-11, “[t]he number of separate rollers used to convey the continuous filaments to the bonding location may vary depending on the particular attributes desired in the final product”. The application also discloses on page 25, lines 25-29, “[t]his particular embodiment employs five rollers, but other embodiments may use less or more rollers, depending upon the nature of the continuous filament elastic composition, the degree of elasticity required for the final product, the number of layers in the product, and the like”.

Thus, the inclusion of additional rollers to the presently claimed two roller invention would, necessarily materially affect the *fundamental character* of the presently claimed invention by affecting the final product. For example, the benefits of using two chilled rollers, instead of three or more, include improved characteristics of the final product, reduced machinery and operational costs, simpler design of the overall process/apparatus, and a lessened chance for filament breakage. Moreover, the self-threading aspects of the present invention are made simpler and more efficient when only two chilled rollers are employed. Finally, filament uniformity is enhanced with the use of only two (or one) chilled roller. Additional chilled rollers above two would likely have a negative impact on one or more of these benefits.

There is simply no teaching or suggestion in any of the cited references of a canted extruder, only two chilled rollers vertically-arranged so that the extruded

continuous filaments flow from the first chilled roller to the second chilled roller, and flow of the quenched filaments from the second chilled roller directly to the nip as claimed by the Applicants. In addition, the references together do not show this aspect and the vertical arrangement of the rollers relative to the continuous filament flow.

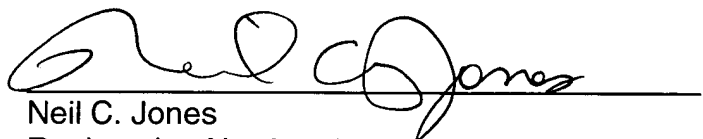
In sum, in view of the foregoing arguments, we respectfully submit that the rejected claims are patentably distinct over the references cited by the Examiner and meet all other statutory requirements. We believe that the present Application is now in complete condition for allowance and, therefore, respectfully request the Examiner to reconsider the rejections in the Office Action and allow this Application.

We invite the Examiner to telephone the undersigned should any issues remain after the consideration of this response. Please charge any additional fees that may be required to Deposit Account No. 50-2548.

Respectfully requested,

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Date


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